

Amendment
Serial No. 10/562, 542

REMARKS

Entry of this Amendment and reconsideration are respectfully requested in view of the amendments made to the claims and for the remarks made herein.

Claims 1-7 are pending and stand rejected.

Claims 5-7 are objected to.

Claim 1 is the sole independent claim.

Claims 1-7 have been amended.

The Notice of Non-Compliant Amendment issued on October 22 2009 in the above matter asserts that applicant's submission of a response, filed on June 22, 2009, to the issuance of a Notice of Non-Compliant Amendment to a response filed on August 6, 2008, to an Office Action, having a mailing date of May 6, 2008, fails to identify all elements of the claims that have been added or deleted. The Notice of Non-Compliant Amendment states specific errors in the claims that caused the Non-Compliant Amendment to be issued.

More specifically, the Notice states that in claim 1 a comma was deleted without using markings to indicate the deletion and in claim 5 a comma was added and a comma was deleted without using markings to indicate the addition and deletion, respectively.

Applicant thanks the Examiner for his observation and has provided, herein, a complete set of claims, based on the claims of record submitted on December 28, 2005, showing the desired amendments to the claims in response to the Office Action of May 6, 2008.

Applicant believes that those amendments found to be in compliance with the Rules and practices of the US Patent Office in applicant's response to the Office Action, dated May 6, 2008, submitted on August 6, 2008 and the responses to prior issued Notices of Non-Compliant Amendment, have been entered into the record.

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If Applicant is incorrect with regard to the entry of those compliant amendments submitted on August 6, 2008 and in the responses to prior issued Notices of Non-Compliant Amendment, Applicant respectfully requests that the Examiner contact Applicant's representative by telephone in order to expedite the prosecution of this matter.

For the amendments made to the claims, applicant submits that the reason for the issuance of the instant Notice of Non-Compliant Amendment has been overcome and respectfully requests that all the objections and rejections be withdrawn.

Applicant further submits that a good-faith effort has been made to respond to the Office Action of May 6, 2008 and that, as only errors in form have been found in applicant's response, Applicant believes that the errors in the specification and claims could have been quickly resolved with a telephone call to applicant's representative. Hence, numerous Notices of Non-Compliant Amendments have been issued that have caused significant delay in prosecution of this matter on the merits that could have been avoided.

Applicant respectfully requests that any additional errors in form be presented in any future Office Action that may issue on the merits of the subject matter claimed. Such errors may then be quickly resolved in the course of prosecution of this matter.

Should the Examiner believe that the disposition of any issues arising from this response may be best resolved by a telephone call, the Examiner is invited to contact applicant's representative at the telephone number listed below.

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No fees are believed necessary for the timely filing of this paper.

Respectfully submitted,
Michael E. Belk, Reg. No. 33357

Date: November 8, 2009

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Carl A. Giordano
Print Name

Signature

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